

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

---

Stella Stanishia,

Plaintiff,

v.

Credit Acceptance Corporation,

Defendant.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No.: \_\_\_\_\_

**DEMAND FOR JURY TRIAL**

**COMPLAINT & JURY DEMAND**

For this Complaint, the Plaintiff, Stella Stanishia, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transact business here, Plaintiff resides in this judicial district, and a substantial portion of the acts giving rise to this action occurred here.

**PARTIES**

3. The Plaintiff, Stella Stanishia ("Plaintiff"), is an adult individual residing in Delray Beach, Florida, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant Credit Acceptance Corporation ("Credit"), is a Michigan business entity with an address of 25505 West 12 Mile Road, Southfield, Michigan 48034-8316, and is a "person" as defined by 47 U.S.C. § 153(39).
5. Credit at all times acted by and through one or more of the agents.

**FACTS**

6. Within the last four years, Credit contacted Plaintiff in an attempt to collect a debt allegedly owed by Plaintiff.

7. At all times referenced herein, Credit placed calls to Plaintiff's cellular telephone, number 954-xxx-9317, using an automated telephone dialer system ("ATDS" or "predictive dialer") and/or by using an artificial or prerecorded voice.

8. When Plaintiff answered calls from Credit, she would hear a prerecorded message. The message instructed Plaintiff to "please hold for the next available agent", and would then connect Plaintiff to a live representative.

9. Frustrated with the excessive amount of calls she was receiving, during the month of December, 2013, Plaintiff waited on the line after receiving a call from Credit, in order to speak to a live representative. During their conversation, Plaintiff requested that Credit cease all calls to her cellular phone.

10. Despite lacking Plaintiff's permission, Credit continued to harass Plaintiff with calls to her cellular phone at a rate of over twenty five calls since her original request.

11. Credit's frequent calling has caused Plaintiff much inconvenience and concern.

**COUNT I**

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –  
47 U.S.C. § 227, et seq.**

12. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. Defendant contacted Plaintiff using an automatic telephone dialing system and/or by using a prerecorded or artificial message to her cellular telephone in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

14. If Defendant at one time had permission to place calls to Plaintiff, Plaintiff has since revoked her consent to be contacted by Defendant on her cellular telephone by her demand to cease calling her cellular telephone.

15. Credit continued to place automated calls to Plaintiff's cellular telephone after being advised by Plaintiff that there was no consent to continue the calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

16. The telephone number called by Credit was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

17. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

18. Each of the aforementioned calls made by Defendant constitutes a negligent or intentional violation of the TCPA, including each of the aforementioned provisions of 47 U.S.C. § 227, et. seq.

19. As a result of each of Defendant's negligent violations of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

20. As a result of each of Defendant's knowing and/or willful violations of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 for each and every violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

#### **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B) & (C); and
2. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: March 12, 2014

Respectfully submitted,

By: /s/ Sergei Lemberg, Esq.  
Attorney for Plaintiff Stella Stanishia  
LEMBERG LAW, L.L.C.  
1100 Summer Street  
Stamford, CT 06905  
Telephone: (203) 653-2250  
Facsimile: (888) 953-6237  
Email: [slemberg@lemborglaw.com](mailto:slemberg@lemborglaw.com)